ART. IX. — *The Constitutional History of England since the Accession of George the Third.* 1760–1860. By THOMAS ERSKINE MAY, C. B. Boston: Crosby and Nichols. 1862–63. 2 vols. Small 8vo.

MR. MAY'S volumes cover one of the most important and suggestive periods of English history, and satisfactorily trace the progress of the English Constitution from the death of George II. down to our own day. In the discharge of his difficult task as the historian of events still fresh in the memory of many persons, he has made abundant use of the immense mass of printed materials relating to the earlier part of this period; and of many of the later Parliamentary struggles, his position as an officer of the House of Commons must have made him a constant and attentive witness. In respect to the fulness, accuracy, and freshness of his information on every branch of his subject, he must therefore be classed with the best historians of our age. At the same time, no well-founded exception can be taken to the fairness and impartiality with which he has treated the numerous important questions discussed in his pages. His diction, beside, has a clearness and force, and an occasional animation, which ought not to be overlooked in any statement of the merits of his work. As regards thorough acquaintance with his subject, great candor in judgment, and ease and dignity of style, Mr. May's History leaves nothing to be desired; and his labors are the necessary complement to those which have given Mr. Hallam the first place in this department of literature. In one respect, however, he is perhaps justly open to criticism. Instead of following the chronological plan adopted by Mr. Hallam, he has treated his general subject under fourteen different heads, each of which refers to some specific topic, such as the "Influence of the Crown," "The House of Lords and the Peerage," "The House of Commons," "The Press and Liberty of Opinion," "Liberty of the Subject." To such an arrangement there are certain obvious and valid objections, inasmuch as events which were closely connected with one another are separately considered, unless they happen to fall under the same division of

the History, and in some instances, as in the case of Wilkes and the North Briton, a single topic must be considered in several different chapters, and under various aspects. The difficulty of determining the exact condition of the country, and the relative amount of freedom enjoyed by the subject at any given period, is consequently much increased. On the other hand, it is certainly an advantage to be able to trace the development of the constitution and the growth of liberty in a single direction, without the necessity of traversing the whole of the broad field covered by our author's inquiries, in order to gather up all the detached notices relating to a single department of it. But waiving any further discussion of this subject, it is sufficient now to say, that for our present purpose the method and the order of topics adopted by Mr. May are the most convenient; and we gladly avail ourselves of the oppor tunity afforded by the completion of his History to take a general survey of the progress of English liberty during the last hundred years. In the execution of this design it will occasionally be necessary to refer to topics which have already been discussed at sufficient length in this journal; but for the most part our remarks will be confined to those branches of the inquiry which have not heretofore been considered in our pages.*

The first four chapters of Mr. May's work are devoted to the monarchical element in the government, as considered in its relations to Parliament and to the people. In these he traces with much fulness of detail the history of the various public transactions which have enlarged or diminished the influence of the crown, and describes the legislative enactments which have limited the exercise of its prerogatives during the minority or incapacity of the sovereign, or have determined the sources and amount of the crown revenues. In considering this part of our subject, it can scarcely be necessary to remind any intelligent reader that it was the constant endeavor of George III., throughout the greater part of his long and eventful reign, to govern as far as was possible without the aid of his constitutional advisers, and to gather around himself a body of supporters who should look to the king rather than to

* See North American Review, No. 177, Art. VI.; No. 182, Art. III.; No. 184, Art. IV.; and No. 186, Art. V.

his ministers as the source from which honors and emoluments were to be derived. He was by nature narrow-minded and obstinate; and his early education, which had been much neglected, had not tended to enlarge his understanding or to render him less inclined to adhere to his first impressions of men and measures. Both from his mother, a German princess, and from his Groom of the Stole, a Scottish nobleman, he had derived notions as to the personal rights and authority of the sovereign very different from those commonly entertained in England. No sooner was he securely seated on the throne than he began to put his theories in practice by taking measures to break down that system of government by party, which, in spite of its liability to abuse, is one of the chief muniments of civil liberty. For this purpose he called to his aid a body of secret advisers, headed by his early friend and teacher, Lord Bute, and proceeded to undermine the powerful coalition-ministry of Newcastle and Pitt, which was in office at the time of his grandfather's death. At so early a period, indeed, had he determined to make himself the real head of the government, that he did not submit the draft of his first speech to Parliament to a cabinet council for revision; and it was not without much difficulty that Mr. Pitt was able to persuade him to alter some of the expressions in it. Shortly after his accession an arrangement was made for the admission of Lord Bute into the Cabinet, as Secretary of State, in place of Lord Holdernesse, who retired with a pension; and on the resignation of Pitt, a few months later, the wily Scotchman became the most important and influential member of the administration. Within a little more than a year after he entered the ministry, the Duke of Newcastle, the acknowledged head of the Whig party, was also compelled to resign, and Bute at once became First Lord of the Treasury. "Rapid had been the rise of the king's favorite," says Mr. May. "In thirteen months he had been groom of the stole, a privy councillor, ranger of Richmond Park, secretary of state, and premier; and these favors were soon followed by his installation as a Knight of the Garter, at the same time as the king's own brother, Prince William. His sudden elevation resembled that of an Eastern vizier rather than the toilsome ascent of a British statesman." By the

breaking up of the ministry, and the elevation of Bute to the premiership, the king had gained a signal victory over one of the most powerful party combinations which had ever been formed in England, and the influence of the crown was considerably enlarged. But such was the unpopularity of the new minister, and his want of capacity, that he was soon compelled to withdraw from the dangerous position which he had gained solely by the personal favor of the king.

At the head of the ministry formed on the resignation of Lord Bute was George Grenville, a man of considerable ability, but of as obstinate a temper as the king himself, and zealously resolved to uphold the dignity and authority of Parliament. Among his associates were many of "the king's friends," as they were called, and at first Grenville was little more than the mouth-piece of that body. "The public looked still at Lord Bute through the curtain," says Lord Chesterfield, "which indeed was a very transparent one." But at length he made strong representations to his Majesty against the secret influence of the hated Scotchman; and after some ineffectual negotiations with Pitt, the king was compelled to yield to the demands of his minister, and Bute was induced to withdraw from court. This result, however, served only to give a temporary check to the growing influence of the crown, and in the end Grenville became a willing instrument to carry out the king's designs. Still his Majesty was dissatisfied, and two years after Bute's retirement he again attempted to get rid of his ministers; but in consequence of Pitt's refusal to take office, he was compelled to recall them, and to pledge himself that Lord Bute should not interfere in the management of public affairs, "in any manner or shape whatever."

A few weeks afterward a more successful attempt was made to displace them, and Lord Rockingham came into power, but on conditions even more distasteful to the king than those imposed by Mr. Grenville. Before accepting office, the new ministers insisted that Lord Bute's brother, Mr. Stuart Mackenzie, should not be restored to the management of affairs in Scotland, from which he had been recently dismissed, "and also that some of the particular friends of the Earl of Bute should be removed, as a proof to the world that the Earl of Bute should

not either publicly or privately, directly or indirectly, have any concern or influence in public affairs, or in the management or disposition of public employments." How faithfully the king adhered to his implied promise not to consult Lord Bute is somewhat doubtful; but it is certain that the court influence was more than once used against the ministers, who soon found that they must encounter what Burke happily calls "an opposition of a new and singular character, — an opposition of placemen and pensioners." At length, after holding office for less than thirteen months, they were summarily dismissed; and the feeble ministry of the Duke of Grafton came into power, to be followed a few years later by the more famous ministry of Lord North.

Throughout the period in which Lord North was nominally at the head of the administration, the king was virtually his own minister; and it is known that many of the worst measures of the ministry were forced on them by his Majesty against the better judgment of the premier. "The king," says Mr. May, "not only watched how members spoke and voted, or whether they abstained from voting, but even if they were silent when he had expected them to speak. No 'whipper-in' from the Treasury could have been more keen or full of expedients in influencing the votes of members in critical divisions. He was ready also to take advantage of the absence of opponents. Hearing that Mr. Fox was going to Paris, he wrote to Lord North, 15th November, 1776, 'Bring as much forward as you can before the recess, as real business is never so well considered as when the attention of the House is not taken up with noisy declamation.'" It was under these circumstances that Burke brought forward his celebrated scheme of economical reform for "the reduction of that corrupt influence, which is itself the perennial spring of all prodigality and all disorder," and that the House of Commons adopted Dunning's still more famous resolution, "that the influence of the Crown has increased, is increasing, and ought to be diminished." The passage of this resolution was the first successful step in a struggle which resulted two years later in the overthrow of the ministry. Once more the influence of the crown was checked, after reaching a height which threatened to de-

stroy entirely the balances of the Constitution; and the king was forced to call to his counsels the victorious leaders of the Opposition. It formed no part of his intention, however, to retain them in office any longer than the immediate exigency required; and of this, as well as of his personal ill-will toward them, the new ministers were fully aware. "Provided we can stay in long enough to give a good stout blow to the influence of the Crown," Mr. Fox wrote to one of his friends, "I do not think it much signifies how soon we go out after." Their tenure of office was even shorter than they had anticipated; and on the death of Lord Rockingham, in a little more than three months after his acceptance of the seals, the ministry fell in pieces. Their successors, at the head of whom was Lord Shelburne, Fox's rival in the late Cabinet, were for the most part disposed to yield to the king's prejudices, and to carry out the policy which he had so much at heart; but they were speedily driven from power by the memorable coalition between the Rockingham Whigs and the party of Lord North, and the struggle between the "king's friends" and their opponents was at once renewed.

The triumph of the Coalition was a heavy blow to the influence of the crown; but their overthrow, by means of what Mr. May justly calls "a bold and unscrupulous plan," was a not less signal victory for the king. This victory was rendered secure by the subsequent success of the younger Pitt in his protracted contest with a hostile House of Commons; and not only during the long ministry of Mr. Pitt, but even down to the time of his last attack of insanity, the king exercised a preponderating influence in the government which was seldom or never successfully resisted. It was seen in the persistent exclusion of Mr. Fox from offices which he would have adorned by his splendid talents; in the personal interference of his Majesty in the details of administration; in the sudden dismissal of the Grenville ministry in 1807; and in the failure of nearly every attempt to render justice to the Catholics; and its apparent triumph forms one of the most striking features in the constitutional history of this reign.

During the last half-century the influence of the crown has relatively declined; and, though it is in some respects greater

now than at any previous period, it is so far subordinated to the influence of Parliament, and is so much controlled by the press and public opinion, that no sovereign would venture to adopt the policy steadfastly pursued by George III., so long as he had the free use of his mental faculties. In only two or three instances since his time has any attempt to extend the influence of the crown beyond its legitimate bounds been successfully made; and the failure of George IV. to obtain a divorce from his unfortunate wife, or even to secure the enactment of a Bill of Pains and Penalties, showed very plainly how much that influence had declined since the time when George III. caused the defeat of Mr. Fox's India Bill, and retained Mr. Pitt in power, in spite of the adverse votes of the House of Commons. On one memorable occasion, indeed, William IV. made a successful use of his personal influence to procure the assent of the House of Lords to the passage of an important measure which they had twice before rejected, and to which a majority of the members were still strongly opposed. In the midst of the intense excitement of the Reform agitation of 1832, he commanded a direct application to be made to the Opposition peers, without the knowledge of his ministers, and by this means he insured the passage of the third Reform Bill through the upper House.* Two years afterward he placed himself in opposition to the House of Commons by the dismissal of Lord Melbourne; but when the result of the general election showed that the country was averse to the recent change of ministers, and that the government could not be carried on by the Tories, the king yielded, and the Whigs

* The letter by means of which this result was produced is so suggestive, that it well deserves to be quoted in full: —

"My dear Lord, — I am honored with his Majesty's commands to acquaint your lordship, that all difficulties to the arrangements in progress will be obviated by a declaration in the House to-night from a sufficient number of peers, that, in consequence of the present state of affairs, they have come to the resolution of dropping their further opposition to the Reform Bill, so that it may pass without delay, and as nearly as possible in its present shape.

"I have the honor to be, &c.,

"Herbert Taylor."

The Opposition were not slow to take the hint, and when the question next came up, the Duke of Wellington and about one hundred other peers rose and left the House.

were restored to power. Shortly after the accession of Queen Victoria, an instance occurred in which the prerogatives of the crown were once more used against its constitutional advisers in such a way as seriously to interfere with the harmonious working of the machinery of government. This was in the famous "Bedchamber Question," when her Majesty, acting under the ill-considered advice of Lord Melbourne, refused to dismiss certain ladies of her household, in accordance with the just demand of Sir Robert Peel, who had been intrusted with the duty of forming a new ministry. In consequence of the queen's refusal, that great statesman declined to undertake the conduct of the government, and the Whigs returned to office, although they were in a minority in the House of Commons.

In passing from the influence of the crown while the sovereign is in full health and vigor to its prerogatives during the minority or incapacity of the monarch, the only important topics which demand our notice are connected with the debates on the regency question, and particularly with those which took place on occasion of the king's second illness in 1788–89, and of his last illness in 1810. When George III. was attacked with insanity at the first of these periods, two distinct theories as to the rights and duties of the Regent were brought forward, — one by Mr. Fox and Lord Loughborough in behalf of the Whigs, the other by Mr. Pitt in behalf of the ministers. By the former it was maintained that the Prince of Wales had a natural and indefeasible right to assume the office of Regent, subject only to the decision of Parliament as to the time when he should begin to exercise its functions; by the latter it was asserted that the prince had no better right to the office than any other person in the realm, and that it was the duty of Parliament not only to decide when there should be a Regent, but also to select the proper person for the office, and to determine what powers should be intrusted to him, and under what restrictions he should be placed. It is perhaps needless to add, that the opinions of both parties were largely affected by a regard to their own interests, since it was openly avowed that the first act of the Prince, on coming into power, would be the dismissal of his father's ministers,

and the elevation of the Whigs. To such an extent, indeed, were the two parties influenced by this consideration, and to such extreme statements did the leaders push their theories, that a great authority of our own age, Lord John Russell, has not hesitated to say that "the doctrine of Mr. Fox, the popular leader, went far to set aside the constitutional authority of Parliament, while that of Mr. Pitt, the organ of the Crown, tended to shake the stability of the monarchy, and to peril the great rule of hereditary succession." The debates on the resolutions and bill brought forward by the ministry to meet the exigency are among the most important that occurred during the reign of George III.; and the struggle between the two parties was protracted for several weeks. But, supported by a large majority in Parliament and by the general sentiment of the country, Mr. Pitt was able to overcome all resistance, and his Regency Bill had passed through nearly all its stages when the sudden recovery of the king rendered further proceedings unnecessary, and the bill was dropped. The results already reached, however, had established certain important precedents, which were followed on occasion of the king's last attack, and which must be regarded as definitively settling the law on this subject.

Omitting any discussion of the topics embraced in Mr. May's chapter on the Civil List, we come now to his chapters on the two Houses of Parliament and their relations to the crown, the law, and the people. As he well remarks, no institution in the state has undergone greater changes than the House of Lords; and "in its numbers, its composition, and its influence, it is difficult to recognize its identity with the 'Great Council' of a former age." At the accession of Henry VII., the whole number of temporal peers summoned to Parliament was only twenty-nine; but so rapidly were the ranks of the peerage recruited, that, at the accession of George III., the number had increased to one hundred and seventy-four. Since that time, this body has increased with even greater rapidity; and, according to our author, "in 1860 the House of Lords consisted of four hundred and sixty lords, spiritual and temporal. The number of hereditary peers of the United Kingdom had risen to three hundred and eighty-five, exclu-

sive of the peers of the blood royal. Of these peerages, one hundred and twenty-eight were created in the long reign of George III., forty-two in the reign of George IV., and one hundred and seventeen since the accession of William IV. Thus two hundred and eighty-seven peerages have been created or raised to their present rank since the accession of George III., or very nearly three fourths of the entire number. But this increase is exhibited by the existing peerage alone, notwithstanding the extinction or merger of numerous titles in the interval. The actual number of creations during the reign of George III. amounted to three hundred and eighty-eight, or more than the entire present number of the peerage." This remarkable increase in the number of its members is not, perhaps, the greatest or the most important change which has been effected in the character or composition of the House of Lords. It is no longer a body composed exclusively of the landed aristocracy, or of men whose chief merit is their descent from a long line of titled ancestors; but its numbers have been swelled by creations on account of distinguished public services in the army or navy, or in important diplomatic missions, as the highest honor to the great lawyer or the more famous historian, and in some instances in recognition of the well-earned success of the opulent merchant or manufacturer. Peers thus created have all the hereditary privileges and immunities of the most ancient lordship. But by the union with Scotland and Ireland a new element was introduced into the House of Lords by the admission of representative peers; and in 1856 an unsuccessful attempt was made to change the character of the House still further by the creation of peers whose title should terminate with the death of the person thus elevated. This proposed innovation filled the peers with alarm; and, after a very learned and able debate, the House of Lords, by a considerable majority, referred the question of admitting Lord Wensleydale, a peer thus created, to the Committee of Privilege, who reported against his right to a seat, either under his letters patent or under his summons to attend. The issue thus produced between the crown and the House of Lords was compromised by making Lord Wensleydale a peer in accordance with the

usual forms, and by the passage of a bill for the admission of two additional Law Lords, without remainder to their heirs. With these exceptions, the Upper House is still composed of a body of hereditary legislators.

In considering the question whether the influence of the House of Lords has diminished since the passage of the Reform Bill, or is as great now as it was previously, Mr. May maintains that it was not injuriously affected by the adoption of that measure; and he adduces several instances in which the Lords have rejected bills that had passed the House of Commons. The most memorable instance thus cited is their rejection of the bill repealing the paper duties, which produced so much excitement in England three years ago, and for a time threatened to bring on a collision between the two Houses. But it is to be observed that the rejection of these bills only proves that the Upper House still exercises an independent legislative authority, and in each instance the Lords were supported by strong minorities in the House of Commons. The Reform Bill of 1832, by sweeping away forever a great number of nomination boroughs, and by creating new constituencies, diminished in a great degree the illegitimate influence which the peers had hitherto exercised over the decisions of the House of Commons; and even Mr. May admits that their inattention to business, and the smallness of the votes by which important questions are often decided in the House of Lords, have deprived that body of much of its political weight. Under these circumstances, it is not difficult to predict the result, if the Lords should again place themselves in opposition to the crown, the Commons, and the people, as they did in 1832.*

How great must have been the corrupt influence of the

* In speaking of the number of peers present at the ordinary sittings of the House of Lords, Mr. May makes some remarkable statements. "On April 7th, 1854," he says, "the Testamentary Jurisdiction Bill was read a third time by a majority of two in a house of twelve. On the 25th August, 1860, the Tenure and Improvement of Land (Ireland) Bill, which had occupied weeks of discussion in the Commons, was nearly lost by a disagreement between the Two Houses, the numbers, on a division, being seven and six." It cannot be difficult to estimate the moral authority of such a vote in a legislative body composed of nearly five hundred members.

aristocracy on the House of Commons, before the passage of the Reform Bill, is well shown by a few striking statements cited by Mr. May, and which are worth repeating here. In 1780 the Duke of Richmond asserted, in a debate in the House of Lords, that not more than six thousand persons returned a majority of the Commons; thirteen years later it was alleged in a petition, that one hundred and fifty-seven members were returned by eighty-four individuals; that one hundred and fifty members beside owed their election to seventy individuals, and that of these hundred and fifty-four patrons forty were peers; and finally, in 1821, Mr. Lambton, afterward Lord Durham, stated that he was prepared to prove at the bar of the House "that one hundred and eighty individuals returned, by nomination or otherwise, three hundred and fifty members." According to another statement, cited by our author from Dr. Oldfield's Representative History, "two hundred and eighteen members were returned for counties and boroughs, in England and Wales, by the nomination or influence of eighty-seven peers; one hundred and thirty-seven were returned by ninety commoners, and sixteen by the Government; making a total number of three hundred and seventy-one nominee members. Of the forty-five members for Scotland, thirty-one were returned by twenty-one peers, and the remainder by fourteen commoners. Of the hundred members for Ireland, fifty-one were returned by thirty-six peers, and twenty by nineteen commoners. The general result of these surprising statements is, — that of the six hundred and fifty-eight members of the House of Commons, four hundred and eighty-seven were returned by nomination, and one hundred and seventy-one only were representatives of independent constituencies." While such was the state of the representation in the Lower House, it is not at all surprising that there was a constantly increasing demand for Parliamentary Reform, and that this demand was resisted to the last by those who had a personal interest in maintaining the corrupt system. The passage of the Reform Bill of 1832 is, indeed, the most important event in the history of the House of Commons for the last century; and the various measures for punishing bribery at elections, preventing the sale of seats, disfranchising revenue officers,

amending the law and the practice in regard to the trial of election petitions, disqualifying judicial functionaries, and for other purposes of a similar character, must all be viewed in their relations to this great measure, the passage of which, as we are inclined to think, prevented a revolution in England far more sweeping in its character than that which France had then just witnessed.

In other views of the matter, also, the passage of the Reform Bill has produced the most beneficial effects. It has elevated the character of the Lower House, and made it to a much greater degree than formerly a representative body; it has promoted the cause of civil and religious liberty; it has introduced into public life men who never could have entered Parliament in any other way; and it has virtually transferred the chief weight in the government from the landed aristocracy to the mercantile and manufacturing interests. Its importance, indeed, can scarcely be overrated, whether we look at its probable effects on the future character of the government, or consider merely the general tendency of the recent legislation of Parliament; for no one who is familiar with the subject can suppose for a moment that an unreformed House of Commons would have given its consent to the repeal of the Corn Laws, and to some other late enactments of lesser importance, or that the Lower House, as now constituted, will fail to represent with tolerable fidelity the general sentiment of the country.

On the other hand, no one can forget that it was by a House in which the majority was composed of nominees and placemen, that Wilkes was expelled and the rights of the Middlesex electors were invaded, that strangers were excluded from the galleries, and that any publication of the debates and divisions was strictly forbidden; and though the rules in respect to the admission of strangers and the publication of debates were relaxed before the passage of the Reform Bill, they both originated in the same policy which upheld the system of rotten boroughs, and were continued in force long after the accession of George III. By the tacit removal of these restrictions, and by the extension of the right of representation to such places as Manchester and Leeds, and the disfranchisement of such

boroughs as Old Sarum and Gatton, the House of Commons has gained immensely in real dignity and influence. The Lower House has in fact become the chief power in the state, and by means of its exclusive right to originate all taxes, and its ability to stop the supplies, it exercises an effective control over the government. It is impossible, indeed, to make even the most superficial comparison between the relations of Parliament to the crown, the law, and the people, as they were exhibited in the reign of George III., and those relations as they have been exemplified in the reign of Victoria, without perceiving at a glance how much they have been modified in the interest of civil liberty and personal freedom.

Closely connected with the subjects which we have thus far considered is the history of party, and Mr. May has therefore wisely included in his plan a chapter on "Party," in which he traces with great ability the fortunes of the two great English parties since the accession of George III., describes the various coalitions which have taken place, and contrasts the bitter party conflicts of one period with the general fusion of parties at another. But into the discussion of this most attractive theme we cannot enter, and it will be sufficient for our present purpose to quote a part of what he says of the benefits of party, — benefits nowhere better shown than in the history of the Opposition in England from the accession of George III. to the passage of the Reform Bill. After speaking of the acknowledged evils of party, — the bitterness with which party contests are carried on, the false judgments passed on the conduct of eminent statesmen, the "vindictive animosity" with which they are pursued, the prevalence of ambition and self-interest over the highest obligations to the state, the exclusion of one half of the public men in the country from office, and the like, — he adds: "But, on the other side, we find that government without party is absolutism, — that rulers, without opposition, may be despots. We acknowledge with gratitude that we owe to party most of our rights and liberties. We recognize in the fierce contentions of our ancestors the conflict of great principles, and the final triumph of freedom." And he concludes his remarks on this topic by reminding his readers, "that an Opposition may often serve the country far better

than a ministry, and that where its principles are right they will prevail. By argument and discussion truth is discovered, public opinion is expressed, and a free people are trained to self-government. We feel that party is essential to representative institutions. Every interest, principle, opinion, theory, and sentiment finds expression. The majority governs; but the minority is never without sympathy, representation, and hope. Such being the two opposite aspects of party, who can doubt that good predominates over evil? Who can fail to recognize in party the very life-blood of freedom?"

The next branch of his subject, in which Mr. May traces the constitutional progress of England within the last century, is the freedom of the press and the liberty of public and private opinion. In no other portion of the broad field over which his inquiries extend has this progress been more marked; and nowhere else have the rightful authority of the government and the vital liberties of the people been brought into more harmonious relations. Previously to the accession of George III. newspaper writers were in general men of narrow abilities and shameless character, who enjoyed immunity through the contempt in which they were justly held; but when men of greater brilliancy and power began to avail themselves of this channel of communication with the public, fresh vigor was given to the means by which a corrupt administration sought to restrict the freedom of discussion. A long and often doubtful struggle between the government and the journalists ensued, which terminated in 1831 in the unsuccessful prosecution of William Cobbett by the Attorney-General; and "since that time," as Mr. May remarks, "the utmost latitude of criticism and invective has been permitted to the press, in discussing public men and measures. The law has rarely been appealed to, even for the exposure of malignity and falsehood. Prosecutions for libel, like the censorship, have fallen out of the constitutional system." Only one other step needed to be taken in order to secure the entire freedom of the press; and this was the removal of the various stamp and excise duties which operated as a severe check on the circulation of newspapers, and greatly enhanced their cost. After a protracted struggle, and by successive advances, the final victory was won,

by the relinquishment of the advertisement duty in 1853, and of the newspaper stamp duty two years later, and by the repeal of the paper duties in 1861. The "liberty of unlicensed printing" has been fully and fairly achieved, and now the periodical press claims to be the fourth estate of the realm, and wields an influence which can scarcely be overrated.

In the long struggle which terminated in this result there are two or three events of too much importance to be overlooked in any survey of the history of this period. The first of these is the prosecution of Wilkes and the printers of the North Briton, No. 45, on the charge of printing and publishing a seditious and scandalous libel. In this famous paper the writer animadverted with much severity on the king's speech at the prorogation of Parliament, and on the treaty of peace recently concluded with France; but it is now generally conceded that he kept within the bounds of a legitimate criticism, and that in all his strictures he treated the speech, in accordance with the well-established theory that the king can do no wrong, as the production of the minister, and not of the sovereign himself. "The forty-fifth number was innocent," says Lord Macaulay, "when compared with those which had preceded it, and indeed contained nothing so strong as may in our time be found daily in the leading articles of the Times and Morning Chronicle." The ministers, however, were determined, if possible, to crush their audacious adversary; and accordingly, under the authority of a general warrant issued by Lord Halifax, one of the Secretaries of State, he was arrested and conveyed to the Tower, from which he was released by order of Lord Mansfield, on the ground that his arrest was a breach of his privilege as a member of Parliament. Subsequently he was brought to trial in the Court of King's Bench, and judgment was obtained against him, both on account of the publication of the North Briton, and on account of a scurrilous "Essay on Woman," which he had printed for his own amusement, but not published. The printers were also convicted and fined; and so zealously did the government wage war against the press, that, according to Horace Walpole, "two hundred informations were filed against printers, — a larger number than had been prosecuted in the whole thirty-three

years of the last reign." Such an immoderate use of the vast machinery of criminal prosecution could not fail to react in favor of the unhappy printers; and though the government sometimes obtained a temporary advantage, it is certain that the prosecution of Wilkes, and the discussions growing out of it, contributed in no small degree toward the amendment of the law.

Scarcely, indeed, had the popular excitement occasioned by these transactions subsided, when the appearance of the letters of Junius in the Public Advertiser again drew attention to the political influence exercised by the press, and to the defects in the law of libel and in the administration of justice under it. It is the fashion of the day to depreciate the talents of this celebrated writer, and to speak lightly of his services in the cause of public liberty; yet it is not the less true that he is still unrivalled in a department of literature in which he had no equal in his own age, and that his writings indirectly prepared the way for the revision of the law of libel. As his name was unknown, no prosecution could be commenced against him; but on the appearance of the famous letter to the king, criminal informations were immediately filed against the printers and publishers of the paper, and Almon, the bookseller, was also put on trial for selling another journal in which the letter had been reprinted. Almon was acquitted; but in the trial two rules were laid down by Lord Mansfield, which, when logically carried out, were altogether subversive of the liberty of the press. "By the first," says Mr. May, "a publisher was held criminally answerable for the acts of his servants, unless proved to be neither privy nor assenting to the publication of a libel. So long as exculpatory evidence was admitted, this doctrine was defensible; but judges afterwards refused to admit such evidence, holding that the publication of a libel by a publisher's servant was proof of his criminality. And this monstrous rule of law prevailed until 1843, when it was condemned by Lord Campbell's Libel Act." By the second rule it was held that the only issue which a jury had the right to try was the question of publication, and that the guilt or innocence of the alleged libel was a mere question of law to be decided by the court. With his accustomed adroitness,

Junius at once availed himself of the opportunity afforded by this ruling to address to the Chief Justice a very elaborate and carefully written letter, in which he attacked the new doctrine with great severity, and poured out unmeasured scorn and contempt on its author. This statement of the law also formed the subject of animated discussions in both Houses of Parliament, in which Burke, Dunning, Lord Chatham, Lord Camden, and others took part in opposition to Lord Mansfield's doctrine. The subject was again brought forward in the following year, and the discussion was afterward frequently renewed, until finally, in 1792, more than twenty years after the commencement of the agitation, Mr. Fox succeeded in carrying his Libel Act through both Houses after a protracted struggle. By this law, which was in the nature of a declaratory act, and which was passed in opposition to all the judges and crown lawyers, the right of the jury to try the whole issue was placed on a solid foundation, and one of the chief obstacles to the entire freedom of the press was forever removed.

Closely connected with the right of the press to criticise men and measures without fear of forcible repression or of an arbitrary decision by some partisan judge, is the right of the people to form associations for political purposes; and in this respect also a marked progress has been witnessed. In the earlier part of the reign of George III. the general discontent which was excited by the expulsion of Wilkes from the House of Commons, and the memorable contest between that body and the Middlesex electors, and by other unpopular acts of the ministry, led to the assembling of numerous public meetings, and the organization of numerous societies, designed to promote Parliamentary or economical reform, or for some other political object. For a time no serious attempt was made to interfere with their operation, and through them public opinion found frequent and sometimes effective expression; but when the French Revolution broke out, many persons were seized with a sudden paroxysm of fear, and soon little regard was paid to the liberties so recently won. "Instead of relying upon the sober judgment of the country," says Mr. May, "ministers appealed to its fears; and in repressing seditious practices, they were prepared to sacrifice liberty of opinion.

Their policy, dictated by a crisis of strange and untried danger, was approved by the prevailing sentiment of their contemporaries, but has not been justified in an age of greater freedom by the maturer judgment of posterity." In order to counteract the influence of a few insignificant persons, who had become enamored of what were called "French principles," and had organized the London Corresponding Society, with affiliated societies in different parts of the kingdom, to disseminate their new doctrines as to government and property, "voluntary societies were established in London and throughout the country, for the purpose of aiding the executive government in the discovery and punishment of seditious writings or language." "These societies," says Mr. May, "supported by large subscriptions, were busy in collecting evidence of seditious designs, — often consisting of anonymous letters, — often of the reports of informers, liberally rewarded for their activity. They became, as it were, public prosecutors, supplying the government with proofs of supposed offences, and quickening its zeal in the prosecution of offenders. Every unguarded word at the club, the market-place, or the tavern, was reported to these credulous alarmists, and noted as evidence of disaffection." But the attempts to restrain the liberty of opinion did not stop here. Individuals in the middle and humbler walks of life were subjected to frequent prosecutions; and in 1795 two new laws were enacted of the most dangerous tendency. By the first, which was known as the "Treasonable Practices Act," proof of the commission of overt acts was to be dispensed with in trials for treason, the definition of that crime was somewhat enlarged, and "to incite the people to hatred or contempt of his Majesty, or the established government and constitution of the realm," was declared to be a high misdemeanor.* By the second, denominated the "Seditious Meet-

* In the debate in the House of Lords on this bill, Dr. Horsley, Bishop of Worcester, exclaimed that "he did not know what the mass of the people in any country had to do with the laws but to obey them." It would be impossible to state more concisely the fundamental doctrine on which every system of absolute government must rest for its theoretical support. Dr. Horsley was so well satisfied with this exposition of his reasons for supporting the bill, that he repeated it on another day, adding, "My Lords, it is a maxim which I ever will maintain. I will maintain it to the death. I will maintain it under the axe of the guillotine."

ings Act," it was provided that no meeting of more than fifty persons, except borough and county meetings regularly called, should be held for the purpose of considering any petition or address for an alteration of matters in Church or state, or for the discussion of any grievance, " without previous notice to a magistrate, who should attend to prevent any proposition or discourse tending to bring into hatred or contempt the sovereign, or the government and constitution." These arbitrary laws were not passed without strong opposition both in Parliament and out of it; but such was the subserviency of the ministerial party, that they were carried by large majorities, and long remained among the darkest blots on the statute-book.

During the Regency the repressive policy was even more rigorously enforced than it was in the twenty or thirty years preceding that period. New enactments were proposed to remedy supposed defects in the existing laws, or to extend their provisions to new offences; and in 1819, a few months after the memorable occurrence at Manchester, called by the common people " the Peterloo Massacre," Parliament was induced to pass the famous Six Acts. By one of these acts, which are justly regarded as marking the culminating point in the long struggle between the ministry and the friends of a more liberal system, the defendant in a trial for misdemeanor was deprived of the right of traversing; by another, the court was empowered to fine, imprison, or banish the publisher of a seditious libel on a second conviction; by the third, the newspaper stamp duty was imposed on pamphlets or other papers containing news-items or remarks on public affairs; by a fourth, every meeting of more than fifty persons was prohibited, unless six days' notice had been given to a resident justice of the peace by not less than seven householders, and it was provided that no persons should be allowed to attend except freeholders or inhabitants of the county, township, or parish, under penalty of fine and imprisonment; by a fifth, the training of persons to the use of arms was forbidden; and by the sixth, magistrates were authorized, within certain limits, to search for, and forcibly seize, all military weapons. Two of these laws, the " Seditious Meetings Act" and the " Seizure of Arms Act," were designed only as temporary measures,

while the others were intended to be of permanent force; but all of them, except the law in regard to military training, have fallen before the growing power of public opinion. Political associations may still be suppressed under existing laws, but there is little probability that those laws will be put in operation.

While the freedom of the press has thus become established, and the right of the people to meet for the discussion of public affairs, and to form associations for the promotion of political objects, has been virtually conceded, the personal liberty of the subject has acquired new safeguards, and in some respects has been placed on a more secure foundation. The immunity of the subject from arbitrary arrest and imprisonment, and his right to have the legality of his detention inquired into by a competent tribunal, had long been among his most dearly cherished liberties; but in respect to both of these rights practices prevailed which often made them little better than a mockery. Foremost among these remnants of a system which was gradually yielding to the advance of political intelligence, was the practice of arresting suspected persons under the authority of a general warrant, without any previous evidence of their guilt. The most celebrated instance in which such a warrant was issued during the reign of George III. is the case of Wilkes and the North Briton, No. 45. Immediately on the appearance of that famous libel, says Mr. May, "Lord Halifax, one of the Secretaries of State, issued a warrant, directing four messengers, taking with them a constable, to search for the authors, printers, and publishers; and to apprehend and seize them, together with their papers, and bring them in safe custody before him. No one having been charged, or even suspected, no evidence of crime having been offered, no one was named in this dread instrument. The offence only was pointed at, — not the offender. The magistrate, who should have sought proofs of crime, deputed this office to his messengers. Armed with their roving commission, they set forth in quest of unknown offenders; and, unable to take evidence, listened to rumors, idle tales, and curious guesses. They held in their hands the liberty of every man whom they were pleased to suspect. Nor were they triflers in their work. In

three days they arrested no less than forty-nine persons on suspicion, — many as innocent as Lord Halifax himself." When, however, the question of the legality of the general warrant was raised in court, it was decided by Chief Justice Pratt, in the Court of Common Pleas, and by Lord Mansfield, in the Court of King's Bench, that the issuing of such warrants was illegal, though it was sustained by some precedents, even since the Revolution. The subject was also discussed in Parliament, and resolutions were carried through the House of Commons, condemning general warrants for the seizure of either persons or papers as illegal. To give additional effect to this important vote, a declaratory bill was soon afterward introduced and passed in the Commons, but was defeated in the Upper House. The decision of the courts and the action of the Commons, however, had fully vindicated the cause of public liberty; and since that time general warrants have been numbered among the disused weapons of arbitrary power.

Even more important to the subject than this immunity is the protection which is secured to him through the operation of the Habeas Corpus Act. Like many other good laws, this memorable bill was passed in the evil days of Charles II., and was successfully carried through Parliament by one of the ablest and most factious of English politicians; but it has been universally regarded as one of the chief safeguards of personal and public liberty; and though it has been frequently suspended in periods of public danger or apprehension, it has never been suspended "without jealousy, hesitation, and remonstrance." As Mr. May justly remarks, "Whenever the perils of the state have been held sufficient to warrant this sacrifice of personal liberty, no minister or magistrate has been suffered to tamper with the law at his discretion. Parliament alone, convinced of the exigency of each occasion, has suspended, for a time, the rights of individuals, in the interest of the state." During the first half-century after the Revolution of 1688, when it was often a matter of extreme doubt whether the existing government would be able to maintain itself against the partisans of the exiled Stuarts, the law was several times suspended by Parliament; but after the expulsion of the Pretender in 1745, it remained in full vigor until

the year 1794. In that year Mr. Pitt brought forward a bill of the most sweeping character, for the suspension of the Habeas Corpus Act, and, in spite of the strenuous opposition of Fox, Grey, and Sheridan, he succeeded in carrying the measure through both Houses by large majorities. The Suspension Act was renewed every year until 1801, when it was suffered to expire, and a bill was brought into Parliament "to indemnify all persons who, since the 1st of February, 1793, had acted in the apprehension of persons suspected of high treason." In the course of the debate which followed, it was stated that several persons had been imprisoned for three years, and one at least for six years, without being brought to trial, and even Lord Thurlow could "not resist the impulse to deem men innocent until tried and convicted"; but the Indemnity Bill was passed, and in 1815 the Habeas Corpus Act was again suspended. Two years afterward, when the Suspension Act expired, and a new Indemnity Bill was introduced, it was found there had again been those abuses which so often accompany the exercise of irresponsible power. "Magistrates," says Mr. May, "had seized papers and arms, and interfered with meetings, under circumstances not warranted even by the exceptional powers intrusted to them; but having acted in good faith for the repression of tumults and sedition, they claimed protection." During the suspension forty-four persons had been arrested by warrant of the Home Secretary, of whom not one had been brought to trial; four had been arrested by warrant of the Privy Council, all of whom had been tried and acquitted; and forty-eight more had been arrested by warrants from different magistrates. Nevertheless, to quote the judicious language of our author, "indemnity was granted for the past; but the discussions which it provoked disclosed, more forcibly than ever, the hazard of permitting the even course of the law to be interrupted. They were not without their warning. Even Lord Sidmouth was afterwards satisfied with the rigorous provisions of the Six Acts; and, while stifling public discussion, did not venture to propose another forfeiture of personal liberty. And happily, since his time, ministers, animated by a higher spirit of statesmanship, have known how to maintain the authority of the law in England without the aid of abnormal powers."

In some other important respects, the liberty of the subject has been considerably enlarged, or has acquired new guaranties. The practice of forcibly seizing seamen and other persons by the agency of a press-gang, in order to man the ships of the royal navy, has not indeed been formally prohibited by law; but it "has been condemned by the general sentiment of the country," and so recently as 1859, a commission appointed to consider the subject of manning the navy reported "that the system of naval impressment, as practised in former wars, could not now be successfully enforced." The inhuman laws for the imprisonment of debtors during the pleasure of any vindictive creditor, against which wise men had long protested in vain, and which inspired some of the noblest pages in "The Vicar of Wakefield," were essentially modified in 1813, by the passage of an act placing the debtor under the jurisdiction of a court, and authorizing him to petition for release on filing a true statement of all his pecuniary assets and liabilities; and at length, in 1861, the whole relation of debtor and creditor was placed on its true footing by the enactment of a law punishing fraudulent debt as a crime, and abolishing imprisonment for debt in all other cases. Slavery, though existing in Scotland down to the close of the last century, and sanctioned in the Colonies until a much later period, was not recognized by the laws of England; and in June, 1772, in his decision in the well-known case of James Somerset, Lord Mansfield declared that slavery in England was illegal. "It was a righteous judgment," says Mr. May, "but scarcely worthy of the extravagant commendation bestowed upon it at that time and since. This boasted law, as declared by Lord Mansfield, was already recognized in France, Holland, and some other European countries; and as yet England had shown no symptoms of compassion for the negro beyond her own shores." Four years afterward a similar decision was given by the Court of Session, in Scotland; but meanwhile, and for a quarter of a century longer, the slavery of native Scotchmen was fully recognized by law. As our author well remarks, "The colliers and salters were unquestionably slaves. They were bound to continue their service during their lives, were fixed to their places of employment, and sold with the

works to which they belonged." So firmly rooted, indeed, was this peculiar institution, that when, in 1775, a petition was presented to Parliament, setting forth that "many colliers and salters are in a state of slavery and bondage," the only redress that could be obtained was the passage of an act, providing that colliers and salters beginning work after the 1st of July in that year should not become slaves, and that those who were already in a state of servitude should be set free in ten years, if under thirty-five, or in seven years, if under twenty-one years of age. Finally, within our own time, negro slavery in the British Colonies has been abolished.

In passing from the laws and customs which affect the civil or political rights of the subject, to those enactments which either directly or indirectly limit the rights of conscience, an equally striking progress will be noticed. The greatest triumph of religious liberty in England, during the last hundred years, was in the passage of the Roman Catholic Relief Bill in 1829; but as we have recently had occasion to trace at some length the successive steps by which Catholic Emancipation was won, the history of this measure need not detain us. Other measures of scarcely less importance have also been carried, though not without bitter opposition. Such, for instance, was the bigotry of the dominant party in Church and state during the American war, that a bill allowing Dissenters to act as schoolmasters was repeatedly thrown out by Parliament, and in 1792 a bill introduced by Mr. Fox for the purpose of affording relief to the Unitarians, and powerfully advocated by him, was opposed even by so great a man as Edmund Burke, and was defeated by a vote of one hundred and forty-two noes to sixty-three ayes, or more than two to one. From such a condition of things, which lasted down to the close of the reign of George III., it is pleasant to turn to one of a very different complexion. The men who had so fearlessly advocated the cause of civil liberty were not less strenuous in their support of religious freedom; and in the end a signal triumph rewarded their labors, or those of their legitimate successors. In 1811, a bill proposed by Lord Sidmouth to remedy some alleged defects in the law allowing Dissenting ministers to preach upon making certain declarations, but

which was designed, in fact, to restrain the progress of dissent, was defeated in Parliament without a division; and in the following year they were relieved from the necessity of subscribing the oaths and declarations to which their assent had previously been required. In 1813 Mr. William Smith succeeded in carrying through Parliament a bill for the relief of the Unitarians, similar in its general provisions to that which Mr. Fox had unsuccessfully advocated twenty years before. In 1858, after a struggle scarcely less memorable than that which resulted in the triumph of Catholic Emancipation, the Jewish disabilities were virtually removed by the passage of an act of Parliament allowing either House to omit from the oath of abjuration the words "on the true faith of a Christian," by means of which the Jews had been effectually shut out of the House of Commons, even though returned by great and powerful constituencies. By the passage of this act the reform was completed which had been partially effected thirteen years before, by the passage of a bill for their admission to corporations. With the admission of the Jews to Parliament fell the last of the civil disabilities by which the freedom of religious opinion had been restrained. Meanwhile, religious liberty was gradually gaining other important, though less conspicuous victories. "When Catholics and Dissenters had shaken off their civil disabilities," says Mr. May, "they were still exposed to grievances affecting the exercise of their religion and their domestic relations, far more galling, and savoring more of intolerance. Their marriages were announced by the publication of bans in the parish church, and solemnized at its altar, according to a ritual which they repudiated. The births of their children were without legal evidence, unless they were baptized by a clergyman of the Church, with a service obnoxious to their conscience, and even their dead could not obtain a Christian burial except by the offices of the Church." One by one these grievances have been substantially removed. After two ineffectual attempts to modify the existing law, — one by Lord John Russell in 1834, and the other by Sir Robert Peel in the following year, — Lord John Russell succeeded, in 1836, in passing two bills for this purpose, one providing for a civil registration of births, mar-

riages, and deaths, and the other allowing the marriages of Dissenters to be solemnized in their own registered chapels, after proper notice to a district registrar, or to be entered into as a civil contract in the presence of the registrar. Still, however, it is within the power of any bigoted clergyman of the Established Church to prevent Dissenting ministers from performing the burial service within the parish cemetery. In 1834, a bill for the admission of Dissenters to the two great Universities, which had been carried triumphantly through the House of Commons by large majorities, was refused a second reading in the Upper House by a vote of more than two to one; and it was not until the recent University reform that Oxford and Cambridge were thrown open to the Dissenters. By the passage of the Dissenters' Chapels Bill, in 1844, the Unitarians were secured in the peaceable possession of their chapels and other religious endowments, which had been endangered by several decisions of the courts and of the House of Lords. In one important respect, however, every attempt at reform has failed, and the hope of redress seems with every delay to become more uncertain. No grievance is more oppressive or annoying to the Dissenters than that of Church-rates. The first bill for the abolition of this tax was proposed in 1841, but was thrown out of the House of Commons without a division; and similar bills were defeated in that body in 1842, in 1849, in 1853, in 1855, and in 1856, by considerable majorities. In 1858 the Dissenters were more successful, and a bill for the total abolition of Church-rates was passed through the House of Commons, but was rejected by the Lords. A similar fate befell another bill for the same purpose, in 1860; and in the last two years the abolition bills were defeated in the Lower House.*

It is not in these directions alone that the reforming spirit of the age has been exhibited. In the various municipal corporations throughout the kingdom many abuses had grown up

* A discussion of this question has become a part of the regular business of Parliament; and a few weeks ago the annual bill for the abolition of Church-rates was again rejected in the House of Commons, by a majority of ten in an unusually full house. There can, however, be but little doubt that the right to levy so odious a tax will be ultimately abrogated, and that the Dissenters will obtain the relief which has been so long denied to them.

with the lapse of time, which within the last thirty years have been swept away by the advance of liberal principles. By successive acts of Parliament many of the municipal rights of which the people had been deprived have been restored to them, and the municipal franchise has been thrown open to the great body of the rated inhabitants. The close corporations which formerly governed many important towns have been overthrown, and town councils regularly chosen by the rate-payers have been substituted for them. The character of these municipal oligarchies, and of the laws by which they were reformed, is well described by Mr. May in a brief chapter entitled "Local Government," and no one can read his remarks on this subject without a cordial assent to the correctness of the writer's opinion, that the Municipal Corporations Act, the first and most celebrated of these enactments, was of scarcely less importance than the Reform Bill of 1832.

The reforms which have thus far been considered are such as relate mainly to the peculiar rights and institutions of Englishmen, rather than to those of the inhabitants of Ireland or of the Colonies; but before finishing his survey of the constitutional history of England during the last century, Mr. May very properly devotes two chapters to "Ireland before the Union" and to "British Colonies and Dependencies." In the first he gives a very just and dispassionate account of the condition of Ireland at the accession of George III., and then rapidly traces the course of public events in that unhappy island down to the time of the legislative union of Great Britain and Ireland, when, as he justly remarks, "a great end was compassed by means the most base and shameless." Into the history of this measure it forms no part of our intention to enter; its character and the disgraceful machinery by which it was carried have already been discussed at sufficient length in our pages, and we gladly pass from a subject which it is impossible to contemplate without a feeling of profound disgust at the shameless bribery and corruption of which we everywhere find traces.

In his next chapter Mr. May has to deal with a much more attractive theme, — the history of the Colonial System of Great Britain since the close of the American war. Passing by what

refers mainly or exclusively to the thirteen American Colonies, it will be interesting and instructive to glance for a moment at the gradual progress of legislation toward the full acknowledgment by Parliament of the right of the Colonies to all the benefits of self-government. At the accession of George III. the plenary right of Parliament to legislate for the Colonies according to its own pleasure was maintained by the great majority of English statesmen, and was expressly asserted on the occasion of the repeal of the Stamp Act; but on the recognition of American independence the doctrine fell into disfavor, though it was not expressly given up until long afterward. In 1791, Canada, which had been acquired by conquest thirty years before, and which had failed to join the thirteen Colonies in the attempt to throw off the English yoke, was divided into two provinces, and provision was made for the election of a representative assembly in each province, in accordance with the doctrine so clearly laid down by Mr. Fox, that "the only means of retaining distant colonies with advantage, is to enable them to govern themselves." Six years earlier, representative institutions had been given to New Brunswick, and in 1832 a similar concession was made to Newfoundland. By means of these grants public tranquillity was preserved until 1837, when the maintenance of British authority in Lower Canada was seriously threatened by the breaking out of a formidable insurrection. Strong measures were at once adopted by the home government to prevent the rebellion from extending to the other provinces; the provincial constitution was suspended; a provisional government was organized, with ample powers both legislative and administrative; and shortly afterward the two provinces were again united into a single colony under a Governor-General, with the view of establishing still more firmly the imperial authority. Yet so great had been the change in the opinion of the leading statesmen since the acknowledgment of American independence, that at this very moment the Colonial Secretary, Lord Glenelg, wrote that "Parliamentary legislation on any subject of exclusively internal concern to any British colony possessing a representative assembly is, as a general rule, unconstitutional. It is a right of which the exercise is reserved for extreme cases, in which

necessity at once creates and justifies the exception." Not many years after these remarkable words were written, a still more momentous change was introduced into the colonial policy. In 1847, during the administration of Lord Elgin, responsible government was fully established in Canada; and since that time the Governor-General has selected his principal advisers from the party which could command a majority in the legislative assembly, and has accepted the policy to which they were committed. About the same time the new principle was introduced into the government of Nova Scotia, and it has since become the rule in other colonies. "By the adoption of this principle," says Mr. May, "a colonial constitution has become the very image and reflection of Parliamentary government in England. The governor, like the sovereign whom he represents, holds himself aloof from and superior to parties; and governs through constitutional advisers, who have acquired an ascendency in the legislature. He leaves contending parties to fight out their own battles; and, by admitting the stronger party to his councils, brings the executive authority into harmony with popular sentiments. And as the recognition of this doctrine in England has practically transferred the supreme authority of the state from the crown to Parliament and the people, so in the colonies has it wrested from the governor and the parent state the direction of colonial affairs."

The Australian colonies, two of which, New South Wales and Van Diemen's Land, were founded as penal settlements, have shared in the general progress which has marked the history of the North American colonies. This progress in their case is due partly to the rapid increase of their untainted population and the discontinuance of the practice of transporting criminals to them, and partly to the same general causes to which the prosperity of England itself may be traced; and its most striking characteristic has been the establishment there of representative institutions modelled to some extent on those provided for Canada. In the government of India an equally momentous change has been effected; and though it is impossible to regard the law of 1858 as anything more than a temporary settlement of the relations between Great Britain and

India, no one can fail to be struck by the immense advantage which that remote dependency has derived from the various reforms introduced into the Indian administration since the defeat of Mr. Fox's India Bill. Much unmerited criticism was passed on that important measure when it was first brought forward, and the strictures of angry partisans have been repeated even down to our own time; but it is certain that under its operation the condition of India would have been materially improved, and that its rejection was a real calamity to both India and the mother country. In some respects it would probably have been more beneficial than the bill afterward introduced by Mr. Pitt, though some of its most important features were carefully copied by him. In respect to the West India colonies it is perhaps too early to determine with certainty whether the changes introduced there must be regarded as successful reforms, or whether they will disappoint the expectations on which they were founded.

In this survey of a portion of the ground covered by Mr. May's interesting and instructive volumes, we have by no means exhausted the topics on which he bestows attention; but we have said enough to show both the nature and extent of the progress in the recent constitutional history of England, and the estimate which we have formed of the worth of his labors in illustrating the gradual development of the popular element in the constitution and the vast improvement in the political condition of the country. The picture is one which every sincere friend of free institutions must regard with satisfaction. Old abuses in the government have been swept away; sinecures have been greatly reduced in number and importance; Parliament has been purified, and the power which was formerly wielded in it by close corporations and the proprietors of nomination boroughs has passed into the hands of open constituencies; the freedom of the press has been established, and the liberty of the subject has been rendered more secure; some progress has been made in the acquisition of religious liberty; representative institutions have been conceded to the principal colonies; the rigor of the criminal code has been softened; law reform has prospered; and in many other directions great and beneficial changes have been wrought, which must perma-

nently affect the condition of the country. Still, no one who is familiar with the abuses that at present exist, and who studies the character of the people, can doubt that the historian who shall take up the inquiry at the point where Mr. May leaves it, and carries it through another century, will have to record still more sweeping and momentous changes.

ART. X. — *Roba di Roma.* By WILLIAM W. STORY. In two volumes. London: Chapman and Hall.

THE soil of the Campagna round Rome is not more fruitful in wild-flowers in spring and early summer, than is the soil of Rome itself in prose and verse. Under the quickening and fertilizing influences there diffused, every man of cultivation and sensibility is conscious of an inspiration nowhere else to be found; and, as Virgil's grafted tree admired the new leaves and alien fruits which art had bestowed upon it, so the pilgrim in Rome feels there a new-born intellectual impulse, which is the growth of the genius of the place, and not the spontaneous movement of the mind. The Abbé Gaume, in the Preface to his "Les Trois Rome," writes on this subject in a strain which few will think extravagant: "Of all journeys, the most interesting, alike from the point of view of religion, of science, and of art, is, beyond all question, that to Rome. By virtue of an exclusive privilege, the Eternal City, mysterious cement of two worlds, comprises in its monuments the whole history of the human race, under the double influence of Paganism and Christianity. As in the heavens all the planets gravitate towards the sun; as on earth all the streams flow into the ocean; so, in the course of Divine Providence and human history, all the events of the ancient and modern world converge in Rome."

The work before us is a fresh production of that fertile soil which never lies fallow, and yet never fails to reward the laborer's toil. Mr. Story has in other departments of intellectual effort done honor to himself and his country, and shown